UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,427	11/30/2001	Masahiro Okada	01-730	9209

7590 07/24/2007

Gregory P. LaPointe
BACHMAN & LaPOINTE, P.C.
Suite 1201
900 Chapel Street
New Haven, CT 06510-2802

EXAMINER	
MOORTHY, ARAVIND K	

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
07/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/000,427	OKADA ET AL.	
	Examiner	Art Unit	
	Aravind K. Moorthy	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the amendment filed on 30 April 2007.

2. Claims 1-20 and 22 are pending in the application.

3. Claims 1-20 and 22 have been rejected.

4. Claims 21 and 23 have been cancelled.

Response to Amendment

5. The examiner approves the amendment made to claims 20 and 22. The amendment overcomes the rejection under 35 U.S.C. 101. The examiner withdraws the rejection.

Response to Arguments

6. Applicant's arguments filed 30 April 2007 have been fully considered but they are not persuasive.

On page 15, the applicant argues that Hasebe does not teach a system and method for licensing arcade games.

The examiner respectfully disagrees. Hasebe discloses that the games use interactive characteristic of CD-Rom and are distributed to the market.

On page 16, the applicant argues that Hasebe does not disclose "wherein said controlling means request an input date and time information when the game apparatus is started, compare the inputted time and date information with said data and time information of the real time clock means, and execute subsequent process if the inputted time and date information is included within a given time difference range with respect to said date and time information of the real time clock means".

The examiner respectfully disagrees. Hasebe discloses that when utilizing the date and time data storing register 303 the period of time for using software is registered and utilization requests are made from the protected software, the utilization permission processing part 304 will read date and time data from the clock. When the value of the read date from the clock is smaller than that in the date and time data storing register 303, the utilization of the software may be permitted considering that there is still time until the expiration.

On page 18, the applicant argues that it is unclear how the examiner combines or modifies Hasebe with Land to show that the licensing limitations claimed in claims 6 and 7 are rendered obvious. The applicant argues that Hasebe is not concerned with, nor teaches individual sales. The applicant argues that Hasebe teaches away by providing a predetermined period of time in days that a user may use, or copy software. The applicant argues that individual uses, or copies of the software are not tallied.

The examiner respectfully disagrees. The examiner asserts that Hasebe solely was used to teach licensing limitations. Hasebe was not used to teach individual sales. In response to applicant's argument, with regard to claims 6 and 7, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., individual uses, or copies of the software are not tallied) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 19, regarding claim 14, the applicant argues that the motivation the examiner posts is merely a conclusory hindsight assertion. The applicant argues that no citation has been

provided for why one of ordinary skill in the art would be motivated to combine the teachings of Hirotani with those of Hasebe.

The examiner respectfully disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the serial number as the specific data of the computer and the password obtained from the serial number are necessary to execute a software. It is inhibited that the software is executed by a hardware other than that which is registered at the time of purchase of the software. The illegal copy of the software can be prevented in a simple hardware. Since the comparison program including the predetermined program calculating the password is decrypted, the password is never calculate even if the serial number is known.

On page 20, the applicant argues that the password entered in Hirotani is not encrypted and is used to validate and verify an authorized or legal user. The applicant argues that it is unclear how the examiner combines or modifies Hirotani with Hasebe to teach a password that defines a license period and includes a serial number of a game machine that the license period is assigned to.

The examiner respectfully disagrees. Hirotani discloses that A password is calculated in accordance with the owner name. When the order is completed, the software is down loaded into the memory device 35. At the time of down load of software, a password is encrypted and the encrypted password is attached to the software. If the down loaded program is to be installed into a hardware, the comparison program starts to check the owner name of the hardware. Therefore, if the down loaded program is to be installed into another hardware, the comparison program issues an NG result so that the illegal install is prevented. Due to this system, the user is not aware of the comparison program.

On page 21, the applicant argues that it is unclear how the examiner combines or modifies Hirotani with Hasebe to teach a password that is comprised of a license period and serial number of a game machine. The applicant argues that the motivation is a hindsight conclusory assertion. The applicant argues that neither Hasebe nor Hirotani teach or suggest a system or method for licensing.

The examiner respectfully disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within

the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the serial number as the specific data of the computer and the password obtained from the serial number are necessary to execute a software. It is inhibited that the software is executed by a hardware other than that which is registered at the time of purchase of the software. The illegal copy of the software can be prevented in a simple hardware. Since the comparison program including the predetermined program calculating the password is decrypted, the password is never calculate even if the serial number is known.

On page 22, the applicant argues that neither Hasebe nor Hirotani teach a working state. The applicant states that the working state is defined in the present invention as the number of times a game is played and the number of coins collected.

The examiner respectfully disagrees. Hasebe discloses a utilization permitting device (301) for permitting use of software(programs or data) protected so as to prevent illegal utilization and an authorization center(31) for setting utilization balance of the utilization permitting device(301), wherein the utilization permitting device(301) is provided with a

clock(302) for obtaining date and time data, a date and time data storing unit(303) for storing the obtained date and time data until obtaining next date and time data, a utilization permission processing part(304) for generating utilization permitting signals for utilization requests, a utilization amount managing part(305) for calculating the software utilization amount by end users, and thereby the software utilization amount is managed by the utilization permitting device based on the number of days. Hasebe discloses specified balance values are registered and charging values are subtracted in accordance with the deciphering processing amount or processing period of time of ciphered software data. When a user wishes to renew these balance values, the user is permitted to do so by communicating with the authorization center the increase of the balance values of the charging table(credit balance register) in the memory 8.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 8-13, 18, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasebe et al U.S. Patent No. 5,761,651.

As to claim 1, Hasebe et al discloses a license managing system including a game apparatus to be licensed and a managing apparatus, the managing apparatus comprising:

inputting means [column 5 line 66 to column 6 line 7];

encrypting means for encrypting information inputted from the inputting means to produce encrypted information [column 5 line 66 to column 6 line 7]; and

outputting means for outputting the encrypted information,

wherein the encrypting means encrypts at least identification information of the game apparatus to be licensed and license condition information thereof to produce the encrypted information [column 5 line 66 to column 6 line 7],

the game apparatus [column 1, lines 16-20] comprising:

inputting means for inputting the outputted encrypted information [column 6, lines 8-37];

encryption decoding means for decoding the inputted encrypted information [column 10 line 45 to column 12 line 60];

controlling means for controlling execution of a game program [column 6, lines 8-37];

storing means for storing identification information of the game apparatus [column 6, lines 8-37];

storing means for storing internal information [column 6, lines 8-37]; and

real time clock means for counting time in accordance with preset date and time information and outputting date and time information [column 6, lines 8-37],

wherein the encryption decoding means decodes the encrypted identification information of the game apparatus and the encrypted license condition information, and the controlling means permits execution of the game program when the decoded identification information of the game apparatus and the stored identification information of the game apparatus are in a predetermined relationship, and the decoded license condition information and the stored internal information are in a predetermined relationship [column 6, lines 8-37],

wherein the controlling means request an input of date and time information when the game apparatus is started, compare the

inputted time and date information with the date and time information of the real time clock means, and execute subsequent process if the inputted time and date information is included within a given time difference range with respect to the date and time information of the real time clock means [column 6, lines 8-37].

As to claim 2, Hasebe et al discloses a game apparatus comprising:

inputting means for inputting encrypted information [column 6, lines 8-37];

encryption decoding means for decoding the inputted encrypted information [column 6, lines 8-37];

controlling means for controlling execution of a game program [column 6, lines 8-37];

storing means for storing identification information of the game apparatus [column 6, lines 8-37]; and

calendar means [column 6, lines 8-37]; and

real time clock means for counting time in accordance with preset date and time information and outputting date and time information [column 6, lines 8-37],

wherein the encryption decoding means decodes encrypted identification information of the game apparatus and license period information of the game apparatus, and the controlling means permits execution of the game program when the decoded identification information of the game apparatus and the stored identification

information of the game apparatus are in a predetermined relationship, and the decoded license period information and date information supplied from the calendar means are in a predetermined relationship [column 6, lines 8-37], and

wherein the controlling means request an input of date and time information when the game apparatus is started, compare the inputted time and date information with the date and time information with date and time information of the real time clock means, and execute subsequent process if the in putted time and date information is included within a given time difference range with respect to the date and time information of the real time clock means [column 6, lines 8-37].

As to claim 3, Hasebe et al teaches that the controlling means prohibits execution of the game program when the decoded license period information and the date information supplied from the calendar means fall outside of the predetermined relationship after permitting execution of the game program [column 6, lines 8-37].

As to claim 4, Hasebe et al teaches the game apparatus further comprising information outputting means [column 7, lines 27-34]. Hasebe et al teaches that the controlling means calculates, after permitting execution of the game program, a remaining period of a license period from a license period ending time indicated in the decoded license period information and the date information supplied from the calendar means, and outputs a predetermined warning to the information outputting means when the remaining period becomes less than a predetermined period [column 7, lines 27-34].

As to claim 5, Hasebe et al discloses a game apparatus comprising:

inputting means for inputting encrypted information [column 6, lines 8-37];

encryption decoding means for decoding the inputted encrypted information [column 6, lines 8-37];

controlling means for controlling execution of a game program [column 6, lines 8-37];

first storing means for storing identification information of the game apparatus [column 6, lines 8-37]; and

second storing means for storing a working state of the game apparatus [column 6, lines 8-37]; and

real time clock means for counting time in accordance with preset date and time information and outputting date and time information [column 6, lines 8-37],

wherein the encryption decoding means decodes encrypted identification information of the game apparatus and operation limiting information of the game apparatus, and the controlling means permits execution of the game program when the decoded identification information of the game apparatus and the stored identification information of the game apparatus are in a predetermined relationship, while the controlling means prohibits execution of the game program when the working state of the game apparatus falls outside of a range of an

operation limit specified by the decoded operation limiting information [column 6, lines 8-37], and

wherein the controlling means request an input of date and time information when the game apparatus is started, compare the inputted time and date information with the date and time information of the real time clock means, and execute subsequent process if the inputted time and date information is included within a given time difference range with respect to the date and time information of the real time clock means [column 6, lines 8-37].

As to claim 8, Hasebe et al teaches that the operation limiting information represents an upper limit of the number of game playing times [column 9, lines 4-21].

As to claim 9, Hasebe et al teaches that the controlling means calculates, after permitting execution of the game program, a remaining number of game playing times from the upper limit of the number of game playing times and a current number of game playing times, and outputs a predetermined warning to the information outputting means when the remaining number of game playing times becomes less than a predetermined number of game playing times [column 9, lines 4-21].

As to claim 10, Hasebe et al discloses a working state managing system including a game apparatus to be managed and a managing apparatus, the game apparatus comprising:

storing means for storing identification information of the game apparatus [column 6, lines 8-37];

storing means for storing working state information of the game apparatus [column 6, lines 8-37];

encrypting means for encrypting the identification information and the working state information [column 6, lines 8-37];

information outputting means [column 6, lines 8-37]; and

controlling means for causing the encrypting means, according to a predetermined operation, to encrypt the working state information and to output the encrypted working state information in a visible form from the information outputting means [column 6, lines 8-37]; and

real time clock means for counting time in accordance with preset date and time information and outputting date and time information [column 6, lines 8-37],

the managing apparatus comprising:

inputting means for inputting the encrypted identification information and the encrypted working state information [column 10 line 45 to column 12 line 60];

encryption decoding means for decoding the encrypted identification information and the encrypted working state information [column 6, lines 8-37];

outputting means [column 6, lines 8-37]; and

controlling means [column 6, lines 8-37],

wherein when the encrypted identification information and the encrypted working state information are inputted from the inputting means, the controlling means causes the encryption decoding means to decode the information and, according to a request, to output the decoded identification information and the decoded working state information in a visible form from the outputting means [column 6, lines 8-37], and

wherein the controlling means request an input of date and time information when the game apparatus is started, compare the inputted time and date information with the date and time information of the real time clock means, and execute subsequent process if the inputted time and date information is included within a given time difference range with respect to the date and time information of the real time clock means [column 6, lines 8-37].

As to claim 11, Hasebe et al discloses a game apparatus comprising:

working state storing means for storing working state information [column 6, lines 8-37];

encrypting means for encrypting the stored working state information [column 6, lines 8-37];

information outputting means [column 6, lines 8-37]; and

controlling means for causing the encrypting means, according to a predetermined operation, to encrypt the working state information and to output the encrypted working state information in a visible form from the information outputting means [column 6, lines 8-37]; and

real time clock means for counting time in accordance with preset date and time information and outputting date and time information [column 6, lines 8-37],

wherein the controlling means request an input of date and time information when the game apparatus is started, compare the inputted time and date information with the date and time information of the real time clock means, and execute subsequent process if the inputted time and date information is included within a given time difference range with respect to the date and time information of the real time clock means [column 6, lines 8-37].

As to claim 12, Hasebe et al teaches the game apparatus further comprising storing means for storing identification information of the game apparatus [column 6, lines 8-37]. Hasebe et al teaches that the encrypting means encrypts the working state information and the identification information [column 6, lines 8-37]. Hasebe et al teaches the controlling means outputs the encrypted working state information and the encrypted identification information in a visible form from the information outputting means [column 6, lines 8-37].

As to claim 13, Hasebe et al teaches that the working state information includes information relating to sales of the game apparatus or information relating to the number of game playing times [column 9, lines 4-21].

As to claim 18, Hasebe et al discloses an information presenting method comprising processing for obtaining identification information of a game apparatus, processing for obtaining working state information of the game apparatus wherein the game apparatus comprising real time clock means for counting time in accordance with preset date and time information and outputting date and time information [column 6, lines 8-37], processing for encrypting the identification information and the working state information [column 6, lines 8-37], and processing for outputting the encrypted information in a visible form, as discussed above, and processing for requesting an input of date and time information when the game apparatus is started [column 6, lines 8-37], comparing the inputted time and date information with the date and time information of the real time clock means [column 6, lines 8-37], and executing subsequent process if the inputted time and date information is included within a given time difference range with respect to the date and time information of the real time clock means [column 6, lines 8-37].

As to claim 19, Hasebe et al teaches that the working state information includes information relating to sales of the game apparatus or information relating to the number of game playing times [column 9, lines 4-21].

As to claim 22, Hasebe et al discloses a computer program for causing a computer to operate as a game apparatus, wherein the game apparatus comprising real time clock means for counting time in accordance with preset date and time information and outputting date and time information, the computer program causing the computer to execute the steps of:

obtaining an identification number of the game apparatus [column 6, lines 8-37];

obtaining working state information of the game apparatus [column 6, lines 8-37];

encrypting the obtained identification number and the obtained working state information [column 6, lines 8-37];

outputting the encrypted information in a visible form [column 6, lines 8-37]; and

requesting an input of date and time information when the game apparatus is started, comparing the inputted time and date information with the date and time information of the real time clock means, and executing subsequent process if the inputted time and date information is included within a given time difference range with respect to the date and time information of the real time clock means [column 6, lines 8-37].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasebe et al U.S. Patent No. 5,761,651 as applied to claim 5 above, and further in view of Land et al U.S. Patent No. 6,847,942 B1.

As to claims 6 and 7, Hasebe et al does not teach that the operation limiting information represents an upper limit of sales of the game apparatus. Hasebe et al does not teach that the controlling means deducts, after permitting execution of the game program, current sales of the game apparatus from the upper limit of sales, and outputs a predetermined warning to the information outputting means when an amount after deduction becomes smaller than a predetermined amount.

Land et al teaches limiting information that represents an upper limit of sales of the game apparatus [column 8, lines. 7-34]. Land et al teaches controlling means that deducts, after permitting execution of the game program, current sales of the game apparatus from the upper limit of sales, and outputs a predetermined warning to the information outputting means when an amount after deduction becomes smaller than a predetermined amount [column 8, lines 7-34].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hasebe et al so that there would have been limiting information that represented an upper limit of sales of the game apparatus. The

controlling means would have deducted, after permitting execution of the game program, current sales of the game apparatus from the upper limit of sales, and outputted a predetermined warning to the information outputting means when an amount after deduction becomes smaller than a predetermined amount.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hasebe et al by the teaching of Land et al because if the sales goes below a predetermined amount, the company needs to know to restock the game consoles [column 1, lines 28-64].

9. Claims 14-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasebe et al U.S. Patent No. 5,761,651 in view of Hirotani U.S. Patent No. 5,982,887.

As to claim 14, Hasebe et al discloses a license managing method for a game apparatus,

> wherein the game apparatus comprising real time clock means for counting time in accordance with preset date and time information and outputting date and time information [column 6, lines 8-37],
>
> first determination processing for determining whether or not the decoded identification information and prestored identification information of the game apparatus are in a predetermined relationship [column 6, lines 8-37], second determination processing for determining whether or not the decoded license condition information and internal information of the game apparatus are in a predetermined relationship, and starts execution of a game program when determination results of the first and second determination processing are both affirmative [column 6, lines 8-37], and

> wherein the controlling means request an input of date and time information when the game apparatus is started, compare the inputted time and date information with the date and time information of the real time clock means, and execute subsequent process if the inputted time and date information is included within a given time difference range with respect to the date and time information of the real time clock means [column 6, lines 8-37].

Hasebe et al does not teach that a password represents encrypted identification information of the game apparatus to be licensed.

Hirotani teaches using a password that represents encrypted identification information [figure 5 and accompanying description].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hasebe et al so that a password would have represented encrypted identification information of the game apparatus to be licensed and encrypted license condition information thereof was transmitted to a licensee. The licensee would have inputed the password into the game apparatus to be licensed. The game apparatus to be licensed would have executed processing for decoding the inputted password. There would have been first determination processing for determining whether or not the decoded identification information and prestored identification information of the game apparatus are in a predetermined relationship. There would have been second determination processing for determining whether or not the decoded license condition information and internal information of the game apparatus are in a predetermined relationship, and starts execution of a game

program when determination results of the first and second determination processing are both affirmative.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hasebe et al by the teaching of Hirotani because the serial number as the specific data of the computer and the password obtained from the serial number are necessary to execute a software. It is inhibited that the software is executed by a hardware other than that which is registered at the time of purchase of the software. The illegal copy of the software can be prevented in a simple hardware. Since the comparison program including the predetermined program calculating the password is decrypted, the password is never calculate even if the serial number is known [column 8, lines 30-39].

As to claim 15, Hasebe et al discloses a method for controlling a game apparatus, wherein the game apparatus comprising real time clock means for counting time in accordance with preset date and time information and outputting date and time information. Hasebe et al discloses first determination processing for determining whether or not the decoded identification information and identification information stored in the game apparatus are in a predetermined relationship [column 6, lines 8-37]. Hasebe et al discloses second determination processing for determining whether or not the decoded license condition information and internal information of the game apparatus are in a predetermined relationship [column 6, lines 8-37]. Hasebe et al discloses permitting execution of a game program when determination results of the first and second determination processing are both affirmative [column 6, lines 8-37],

wherein the controlling means request an input of date and time information when the game apparatus is started, compare the inputted time and date information with the date and time

information of the real time clock means, and execute subsequent process if the inputted time and date information is included within a given time difference range with respect to the date and time information of the real time clock means [column 6, lines 8-37].

Hasebe et al does not teach that a password represents encrypted identification information of the game apparatus to be licensed.

Hirotani teaches using a password that represents encrypted identification information [figure 5 and accompanying description].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hasebe et al so that a password would have represented encrypted identification information of the game apparatus to be licensed and encrypted license condition information thereof was transmitted to a licensee. The licensee would have inputed the password into the game apparatus to be licensed. The game apparatus to be licensed would have executed processing for decoding the inputted password. There would have been first determination processing for determining whether or not the decoded identification information and prestored identification information of the game apparatus are in a predetermined relationship. There would have been second determination processing for determining whether or not the decoded license condition information and internal information of the game apparatus are in a predetermined relationship, and starts execution of a game program when determination results of the first and second determination processing are both affirmative.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hasebe et al by the teaching of Hirotani because the serial

number as the specific data of the computer and the password obtained from the serial number are necessary to execute a software. It is inhibited that the software is executed by a hardware other than that which is registered at the time of purchase of the software. The illegal copy of the software can be prevented in a simple hardware. Since the comparison program including the predetermined program calculating the password is decrypted, the password is never calculate even if the serial number is known [column 8, lines 30-39].

As to claim 16, Hasebe et al teaches that execution of the game program is prohibited when the determination result of the second determination processing becomes negative after execution of the program is permitted [column 9, lines 4-21].

As to claim 17, Hasebe et al discloses a method for grasping a working state of a game apparatus, wherein the game apparatus comprising real time clock means for counting time in accordance with preset date and time information and outputting date and time information, the method comprising:

> causing the game apparatus to request and input of date and time information when the game apparatus is started, to compare the inputted time and date information with the date and time information of the real time clock means, and to execute subsequent process if the inputted time and date information is included within a given time difference range with respect to the date and time information of the real time clock means [column 6, lines 8-37].

Hasebe et al does not teach that a password represents encrypted identification information of the game apparatus to be licensed.

Hirotani teaches using a password that represents encrypted identification information [figure 5 and accompanying description].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hasebe et al so that a password would have represented encrypted identification information of the game apparatus to be licensed and encrypted license condition information thereof was transmitted to a licensee. The licensee would have inputed the password into the game apparatus to be licensed. The game apparatus to be licensed would have executed processing for decoding the inputted password. There would have been first determination processing for determining whether or not the decoded identification information and prestored identification information of the game apparatus are in a predetermined relationship. There would have been second determination processing for determining whether or not the decoded license condition information and internal information of the game apparatus are in a predetermined relationship, and starts execution of a game program when determination results of the first and second determination processing are both affirmative.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hasebe et al by the teaching of Hirotani because the serial number as the specific data of the computer and the password obtained from the serial number are necessary to execute a software. It is inhibited that the software is executed by a hardware other than that which is registered at the time of purchase of the software. The illegal copy of the software can be prevented in a simple hardware. Since the comparison program including the

predetermined program calculating the password is decrypted, the password is never calculate even if the serial number is known [column 8, lines 30-39].

As to claim 20, Hasebe et al discloses a computer program for causing a computer to operate as a game apparatus, wherein the game apparatus comprising real time clock means for counting time in accordance with preset date and time information and outputting date and time information, the computer program causing the computer to execute the steps of:

> permitting execution of a game program when the decoded identification information of the game apparatus and prestored identification information of the game apparatus are in a predetermined relationship and the decoded license condition information of the game apparatus and internal information of the game apparatus are in a predetermined relationship [column 6, lines 8-37]; and
>
> requesting an input of date and time information when the game apparatus is started, comparing the inputted time and date information with the date and time information of the real time clock means, and executing subsequent process if the inputted time and date information is included within a given time difference range with respect to the date and time information of the real time clock means [column 6, lines 8-37].

Hasebe et al does not teach that a password represents encrypted identification information of the game apparatus to be licensed.

Hirotani teaches using a password that represents encrypted identification information [figure 5 and accompanying description].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hasebe et al so that a password would have represented encrypted identification information of the game apparatus to be licensed and encrypted license condition information thereof was transmitted to a licensee. The licensee would have inputed the password into the game apparatus to be licensed. The game apparatus to be licensed would have executed processing for decoding the inputted password. There would have been first determination processing for determining whether or not the decoded identification information and prestored identification information of the game apparatus are in a predetermined relationship. There would have been second determination processing for determining whether or not the decoded license condition information and internal information of the game apparatus are in a predetermined relationship, and starts execution of a game program when determination results of the first and second determination processing are both affirmative.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hasebe et al by the teaching of Hirotani because the serial number as the specific data of the computer and the password obtained from the serial number are necessary to execute a software. It is inhibited that the software is executed by a hardware other than that which is registered at the time of purchase of the software. The illegal copy of the software can be prevented in a simple hardware. Since the comparison program including the predetermined program calculating the password is decrypted, the password is never calculate even if the serial number is known [column 8, lines 30-39].

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy AM
July 20, 2007

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100